

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KENNETH J. TAGGART	:	CIVIL ACTION
	:	
v.	:	
	:	
GMAC MORTGAGE, LLC, et al.	:	NO. 12-CV-0415

ORDER

AND NOW, this 1st day of May, 2013, IT IS HEREBY NOTED and ORDERED that:

1. Oral argument on the federal defendants' motion to dismiss plaintiff's due process claim (Dkt. 22) was held on April 30, 2013. After notifying the parties, I am converting the federal defendants' motion to dismiss under Rule 12(b)(6) to a motion for summary judgment under Rule 56. *See* Fed. R. Civ. P. 12(d).

2. The federal defendants presented the following exhibits during oral argument:

- a. Exhibit C to plaintiff's response to the federal defendants' motion to dismiss the amended complaint (Dkt. 19) (hereinafter "Plaintiff's Br.") (April 5, 2012 and April 12, 2012 Letters from HUD to Taggart)
- b. Exhibit E to Plaintiff's Br. (April 16, 2012 Letter from Taggart to HUD)
- c. Exhibit F to Plaintiff's Br. (May 10, 2012 Letter from HUD to Taggart)
- d. Exhibit H to Plaintiff's Br. (May 17, 2012 Transcript of Informal Conference)
- e. Exhibit M to Plaintiff's Br. (June 14, 2012 Letter from HUD to Taggart)
- f. Exhibit A to federal defendants' motion to dismiss (Dkt. 22) (Declaration of Anthony T. Triolo)

3. There was no objection from plaintiff to these exhibits being received into evidence

as part of the motion for summary judgment.

4. Counsel for the federal defendants indicated that she needs no additional time to present further evidence in support of the motion for summary judgment. Plaintiff shall have 10 days to submit any additional material in response to the motion for summary judgment. The federal defendants may file any reply within 10 days after plaintiff's response is filed.

BY THE COURT:

/s/ J. William Ditter, Jr.
J. WILLIAM DITTER, JR., J.